

Baker & Hostetler LLP

45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Nicholas J. Cremona
Dean D. Hunt

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and for the Estate of
Bernard L. Madoff,

Plaintiff,

v.

NICOLETTE WERNICK NOMINEE
PARTNERSHIP; MARITAL GST EXEMPT TRUST
F/B/O NICOLETTE WERNICK U/ARTICLE III OF
THE HAROLD WERNICK REVOCABLE TRUST
DTD 9/16/1991, in its capacity as a Partner of the
Nicolette Wernick Nominee Partnership; MARITAL
GST NON-EXEMPT TRUST F/B/O NICOLETTE
WERNICK U/ARTICLE III OF THE HAROLD

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04616 (SMB)

WERNICK REVOCABLE TRUST DTD 9/16/1991,
in its capacity as a Partner of the Nicolette Wernick
Nominee Partnership; and NICOLETTE WERNICK,
individually and in her capacity as partner of the
Nicolette Wernick Nominee Partnership and as
Trustee of the Marital GST Exempt Trust f/b/o
Nicolette Wernick u/Article III of the Harold Wernick
Revocable Trust dtd 9/16/1991 and as Trustee of the
Marital GST Non-Exempt Trust f/b/o Nicolette
Wernick u/Article III of the Harold Wernick
Revocable Trust dtd 9/16/1991,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated SIPA liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and (i) Nicolette Wernick Nominee Partnership (“Partnership”); (ii) Marital GST Exempt Trust f/b/o Nicolette Wernick u/Article III of the Harold Wernick Revocable Trust dtd 9/16/1991 (“Exempt Trust”), in its capacity as a Partner of the Nicolette Wernick Nominee Partnership; (iii) Marital GST Non-Exempt Trust f/b/o Nicolette Wernick u/Article III of the Harold Wernick Revocable Trust dtd 9/16/1991, in its capacity as a Partner of the Nicolette Wernick Nominee Partnership (“Non-Exempt Trust”); and (iv) Nicolette Wernick, individually and in her capacity as partner of the Nicolette Wernick Nominee Partnership and as Trustee of the Marital GST Exempt Trust f/b/o Nicolette Wernick u/Article III of the Harold Wernick Revocable Trust dtd 9/16/1991 and as Trustee of the Marital GST Non-Exempt Trust f/b/o Nicolette Wernick u/Article III of the Harold Wernick Revocable Trust dtd 9/16/1991, by and through their attorneys, Lax & Neville, LLP (the “Settling Defendants”, and collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against the Settling Defendants, M. Gordon Ehrlich, in his capacities as managing partner of the Partnership, and Trustee of Exempt Trust and the Non-Exempt Trust (“Ehrlich”), and Hope Wigmore, in her capacity as Trustee of the Exempt Trust and the Non-Exempt Trust (“Wigmore”, and collectively, the “Defendants”).

2. On December 10, 2010, the Trustee filed and served an Amended Complaint against Defendants.

3. On January 25, 2012, this Court entered a So Ordered Stipulation dismissing without prejudice Wigmore.

4. On April 17, 2015, this Court entered a So Ordered Stipulation dismissing without prejudice Ehrlich.

5. On September 18, 2015, the Settling Defendants filed an Answer and Affirmative Defenses.

6. On August 2, 2017, the Parties entered into a settlement agreement (the “Settlement Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF No. 3181].

7. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.

8. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

9. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

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New York, New York
August 18, 2017

By: /s/ Nicholas J. Cremona
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Dean D. Hunt
Email: dhunt@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Estate of Bernard L. Madoff*

By: /s/ Brian Neville
LAX & NEVILLE LLP
1450 Broadway, 35th Floor
New York, New York 10018
Telephone: (212) 696 – 1999
Facsimile: (212) 566 – 4531
Barry R. Lax
Email: blax@laxneville.com
Brian Neville
Email: bneville@laxneville.com

*Counsel for Defendants Nicolette Wernick Nominee
Partnership, Marital GST Exempt Trust f/b/o
Nicolette Wernick u/Article III of the Harold Wernick
Revocable Trust dtd 9/16/1991, in its capacity as a
Partner of the Nicolette Wernick Nominee
Partnership, Marital GST Non-Exempt Trust f/b/o
Nicolette Wernick u/Article III of the Harold Wernick
Revocable Trust dtd 9/16/1991, in its capacity as a
Partner of the Nicolette Wernick Nominee
Partnership, and Nicolette Wernick, individually and
in her capacity as partner of the Nicolette Wernick
Nominee Partnership and as Trustee of the Marital
GST Exempt Trust f/b/o Nicolette Wernick u/Article
III of the Harold Wernick Revocable Trust dtd
9/16/1991 and as Trustee of the Marital GST Non-
Exempt Trust f/b/o Nicolette Wernick u/Article III of
the Harold Wernick Revocable Trust dtd 9/16/1991.*

SO ORDERED

Dated: August 18th, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE